1	MIKE WINSOR Special Assistant Attorney General					
2	Special Deputy Lewis and Clark County Attorney					
3	Office of the Commissioner of Securities and Insurance, Montana State Auditor (CSI)					
4	840 Helena Avenue					
5	Helena, MT 59601   (406) 444-2040					
6	Attorney for the State of Montana					
7						
8	MONTANA EIGHTEENTH JUDICIAL DISTRICT COURT, GALLATIN COUNTY					
9	THE STATE OF MONTANA,					
10	Plaintiff,		Case No	• • • • • • • • • • • • • • • • • • • •		
11	V.			INFORMAT	CION	
12	MARK JOSEPH BONAMARTE,	,				
13	Defendant.					
14						
15	Count I – INSURANCE FRAUD/THEFT, (Common Scheme), a FELONY, in violation of Mont Code Ann. §§ 33-1-1202(1), 33-1-1211(2), and 45-6-301(6)(a).  Count II – INSURANCE FRAUD/THEFT, a FELONY, in violation of Mont. Code Ann. §§ 33-1202(1), 33-1-1211(2) and 45-6-301.					
16 17						
18	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1					
19	STATE OF MONTANA	)				
20	County of Lewis and Clark	:ss. )				
21		·				
22	MIKE WINSOR, Special Deputy Gallatin County Attorney, and attorney for the State of					
23	Montana, having first obtained leave of the Court, files this Information accusing the above-named					
24	Defendant, MARK JOSEPH BONAMARTE, of having committed the following offenses:					
25						
26						
27						
28						

## **COUNT I**

That on or about December 9, 2010, in Gallatin County, Montana, the Defendant committed the offense of INSURANCE FRAUD/THEFT (common scheme), a FELONY, in violation of Mont. Code Ann. §§ 33-1-1202(1), 33-1-1211(2) and 45-6-301(6)(a).

The facts constituting this offense are as follows:

That at the time and place mentioned above, the Defendant purposely or knowingly committed insurance fraud pursuant to a common scheme by presenting, or causing to be presented, written and oral statements to State Farm Mutual Automobile Insurance Company (State Farm) containing false, incomplete, or misleading information concerning facts and/or things material to, as part of, or in support of two separate claims for payments or other benefits pursuant to an insurance policy or policies, for the purpose of obtaining money and/or benefits in an aggregate amount exceeding \$1,500.

## **COUNT II**

That on or about June 7, 2011, in Gallatin County, Montana, the Defendant committed the offense of INSURANCE FRAUD/THEFT, a FELONY, in violation of Mont. Code Ann. §§ 33-1-1202(1), 33-1-1211(2) and 45-6-301(6)(a).

The facts constituting the offense are as follows:

That at the time and place mentioned above, the Defendant purposely or knowingly committed insurance fraud by presenting, or causing to be presented, a written and/or oral statement to State Farm containing false, incomplete, or misleading information concerning facts and/or things material to, as part of, or in support of a claim for payments or other benefits pursuant to an insurance policy, for the purpose of obtaining money and/or benefits in an amount exceeding \$1,500.

3

5

7 8

9 10

11 12

13

14 15

16

17

18 19

20

2122

24

23

2526

27

28

A list of possible witnesses for the State now known to the prosecution is as follows:

Bryan D. Stanley, Investigator, CSI, Helena, MT
Kirk Linse, Claim Representative, SIU, State Farm, Billings, MT
Steve Moss, Estimator, State Farm, Bozeman, MT
Thomas Maack, Insurance Agent, Laurel, MT
Carol Moore, Body Shop Receptionist, Ressler Motors, Bozeman, MT
Dan Maroney, Manager, Ressler Motors Body Shop, Bozeman, MT
Mark J. Bonamarte, Bozeman, MT
Sherry Ann Dewey, Manhattan, MT

DATED this day of leven ber, 2012.

MIKE WINSOR

Special Assistant Attorney General Special Deputy Gallatin County Attorney

SUBSCRIBED and SWORN to before me by Mike Winsor this 7 4 day of

200

\_, 2012.

SEAL SEAL

MICHELLE MARISE HUFTEL NOTARY PUBLIC for the State of Montana Residing at Helena, Montana My Commission Expires March 29, 2016

POSSIBLE PUNISHMENT:

Count I – INSURANCE FRAUD/THEFT (scheme) a felony: the offense is punishable by a fine not to exceed \$50,000 and/or imprisonment in the state prison for any term not to exceed 10 years. Count II – INSURANCE FRAUD/THEFT, a felony: the offense is punishable by a fine not to exceed \$50,000.00 and/or imprisonment in the state prison for a term not to exceed 10 years.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

MIKE WINSOR Special Assistant Attorney General Special Deputy Lewis and Clark County Attorney Office of the Commissioner of Securities and Insurance, Montana State Auditor (CSI) 840 Helena Avenue Helena, MT 59601 (406) 444-2040 Attorney for the State of Montana MONTANA EIGHTEENTH JUDICIAL DISTRICT COURT, GALLATIN COUNTY THE STATE OF MONTANA, Case No. Plaintiff. MOTION & AFFIDAVIT FOR ORDER v. **GRANTING LEAVE TO FILE** INFORMATION DIRECTLY IN MARK JOSEPH BONAMARTE,

STATE OF MONTANA ) :ss.
County of Lewis and Clark )

Defendant.

Mike Winsor, being first duly sworn, upon his oath, deposes and states:

1. I am a Special Assistant Attorney General, by virtue of my employment with the Office of the Commissioner of Securities and Insurance, Montana State Auditor. I am also a duly appointed, qualified, and acting Special Deputy Gallatin County Attorney for the purpose of prosecuting this case. Acting in this capacity, I am familiar with the investigation relating to MARK JOSEPH BONAMARTE (Defendant).

DISTRICT COURT

2. I request that the Court determine probable cause exists to allow the State to file an

Information directly in District Court, pursuant to Mont. Code Ann. § 46-11-201, alleging the Defendant committed offenses in Gallatin County, based upon information set forth herein that was developed through an investigation conducted by a criminal justice investigator. More specifically, the Information alleges the Defendant committed the following offenses: COUNT I: INSURANCE FRAUD/THEFT, (Common Scheme), a FELONY, in violation of Mont. Code Ann. §§ 33-1-1202(1), 33-1-1211(2), and 45-6-301(6)(a); COUNT II: INSURANCE FRAUD/THEFT, a FELONY, in violation of Mont. Code Ann. §§ 33-1-1202(1), 33-1-1211(2) and 45-6-301.

- 3. A criminal justice investigator has made a full and careful investigation of all the facts and circumstances surrounding the commission of said offenses, so far as they are known or ascertainable, and your Affiant believes it a proper case for the filing of the Information that accompanies this affidavit.
  - 1. The facts establishing probable cause are as follows:

On June 30, 2010, in Bozeman, the Defendant's 2001 Chevrolet K2500 Silverado (Silverado) sustained hail damage. The Silverado was covered by a State Farm Mutual Automobile Insurance Company (State Farm) insurance policy (policy). The Defendant put in a claim for the damage with State Farm, and on July 15, 2010, State Farm inspected the Silverado. On July 20, 2010, State Farm issued payment to the Defendant in the amount of \$2,042.90 for hail damage to the Silverado.

The Defendant's son's 2007 Chevrolet Tahoe (Tahoe) also sustained hail damage in the June 30, 2010, storm in Bozeman. The Defendant's son had insured the vehicle through Progressive Insurance until April 20, 2010, but it was uninsured at the time of the hailstorm. Under the Defendant's policy, a "Newly Acquired Car" qualifies for coverage within 14 days from the date of purchase so long as the named insured, in this case the Defendant, is the sole owner of the vehicle. On July 12, 2010, the Defendant called his State Farm Insurance agent and misrepresented to the agent that the Defendant had

purchased the Tahoe on June 29, 2010, a day before the hail storm, so that he or his son would have coverage under the Defendant's policy for the hail damage and therefore receive payment from State Farm. Government records indicate that the Tahoe was never owned by the Defendant as represented to State Farm. The Tahoe was inspected by State Farm on July 15, 2010. On July 15, 2010, State Farm issued payment to the Defendant in the amount of \$3,737.01 for hail damage to the Tahoe.

On or about December 9, 2010, the Defendant fabricated and faxed an invoice to State Farm entitled "Certificate of Completion," and dated December 9, 2010, for the Silverado claim; and on the same day fabricated and faxed an invoice to State Farm also entitled "Certificate of Completion," and dated December 3, 2010, on the Tahoe claim. The business address of Ultimate Wash and Repair, Inc. shown on the invoices was the Defendant's son's address, and its telephone number was the Defendant's girlfriend's cell phone number. Both invoices purported that a business called Ultimate Wash and Repair, Inc. had repaired the hail damage for both vehicles when, in fact, the business did not exist. As a result of the invoices that the Defendant faxed to State Farm, State Farm paid the Defendant an additional \$1,375 on the Silverado claim, and an additional \$1,325 on the Tahoe claim.

Subsequently, on June 7, 2011, the Defendant submitted a claim, in excess of \$1,500, to State Farm for hail damage to the Silverado allegedly sustained on June 6, 2011. The Defendant claimed to have driven through a hail storm between Helena and Townsend. State Farm determined that the National Weather Service indicated that there was not a hailstorm in that area on June 6, 2011. State Farm received no other claims of hail damage for June 6, 2011. State Farm's estimator indicated that much of the damage claimed in the 2011 Silverado loss appeared to be very similar to damage from the 2010 Silverado loss. State Farm did not pay on the 2011 claim but, instead, made a fraud referral to the National Insurance Crime Bureau which in turn referred the matter to the Office of the Commissioner of Securities and Insurance, Montana State Auditor.

WHEREFORE, the undersigned moves the Court for its Order granting leave to file an Information directly in District Court.

DATED this // day of December, 2012.

MIKE WINSOR

Special Assistant Attorney General Special Assistant Gallatin County Attorney

SUBSCRIBED and SWORN to before me by Mike Winsor this \_\_\_\_\_\_ day of

DECEMBER, 2012.

Dala Santer

DARLA SAUTTER
NOTARY PUBLIC for the
State of Montana
Residing at Helena, Montana
My Commission Expires
April 14, 2014